

Order

**Supreme Court
Lansing, Michigan**

October 6, 2005

Clifford W. Taylor,
Chief Justice

128031

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

JOHN SAMMUT and CAROL SAMMUT,
Plaintiffs-Appellants,

v

SC: 128031
COA: 250322
Oakland CC: 2002-041456-CZ

CITY OF BIRMINGHAM,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the January 4, 2005 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

CAVANAGH, WEAVER, and KELLY, JJ., would grant leave to appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 6, 2005

Corbin R. Davis
Clerk